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HONORABLE FREDERICK P. CORBIT
Chapter 9
Hearing Date: February 2, 2018
Hearing Time: 1:30 p.m.
Objections Due: At the time of hearing

Andrew I. Silfen (Admitted *Pro Hac Vice*)
George P. Angelich (Admitted *Pro Hac Vice*)
Mark A. Angelov (Admitted *Pro Hac Vice*)
Jordana P. Renert (Admitted *Pro Hac Vice*)
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UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

In re

KENNEWICK PUBLIC HOSPITAL
DISTRICT,

Debtor.

Bankr. Case No. 17-02025-9

DECLARATION OF KATRIANA L.
SAMILJAN

1 Katriana L. Samiljan declares as follows:

2 1. I am attorney at law admitted to practice before this Court and am an
3 attorney in the law firm of Bush Kornfeld LLP, 601 Union Street, Suite 5000, Seattle,
4 Washington 98101-2373. I have personal knowledge of the facts set forth herein.

5 2. On June 30, 2017, the Debtor filed a petition for relief under chapter 9 of
6 the Bankruptcy Code with the United States Bankruptcy Court for the Eastern District
7 of Washington.

8 3. On September 1, 2017, the United States Trustee filed the *Appointment of*
9 *Committee of Unsecured Creditors in a Chapter 9 Case* [Docket No. 178]. The Court
10 has authorized the Committee to retain Arent Fox LLP and Bush Kornfeld LLP as its
11 counsel.

12 4. On November 3, 2017, the Debtor filed a complaint that initiated the
13 above-captioned adversary proceeding.

14 5. On January 3, 2018, the Committee filed a motion for an order granting
15 the Committee standing to prosecute claims against the University of Puget Sound (the
16 “Initial Standing Motion”). The Standing Motion was initially set for on hearing on
17 January 15, 2018.

18 6. Prior to filing the Standing Motion, in December 2017, co-counsel for the
19 Committee, Bush Kornfeld, initiated discussions with Debtor’s counsel seeking an
20 agreed means for conveying standing to pursue claims against UPS from the Debtor to
21 the Committee.

22 7. To that end, Bush Kornfeld met with counsel for the Debtor on at least
23 four occasions, including meetings at Foster Pepper’s offices on December 19, 2017,

1 and January 10 and January 16, 2018, and a meeting at Bush Kornfeld's offices on
2 December 27, 2017. In the interim, the Committee filed the Initial Standing Motion as
3 a backstop. However, following the January 10 meeting, Bush Kornfeld agreed to the
4 Debtor's request to continue the hearing on the Initial Standing Motion to February 2,
5 2018, in order to keep discussions active and allow the parties more time to reach
6 resolution. During this period, and through the weekend of January 27 and 28, 2018,
7 Ms. Samiljan and Mr. Cullen had numerous telephone calls and email exchanges in an
8 effort to obtain the Debtor's agreement to consent to transferring standing to the
9 Committee. Unfortunately, the parties were unable to reach such an agreement.

10 6. On January 29, 2018, the Committee withdrew the Initial Standing Motion
11 and filed on January 31, 2018, filed a second motion for an order granting the
12 Committee standing to prosecute claims against the University of Puget Sound (the
13 "Second Motion" and, collectively with the Initial Standing Motion, the "Motions").
14 The Second Motion updates certain factual statements relating to the negotiations
15 amongst the parties but the relief requested remains the same. All parties to this
16 adversary proceeding have been aware of the Committee's arguments since, at latest,
17 January 3, 2018. Therefore, no party will be prejudiced if this matter is heard on
18 February 15, 2018.

19 7. I declare under penalty of perjury under the laws of the state of
20 Washington that the foregoing information is true and correct.

21 Dated this 31st day of January, 2018, at Seattle, Washington.

22 /s/ Katriana L. Samiljan
23 Katriana L. Samiljan